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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,873	08/21/2003	Aaron Golle	1748.001US1	8656
21186	7590	02/02/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,873

Applicant(s)

GOLLE ET AL.

Examiner

Peggy A. Neils

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/24/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6, 12, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Chien (cited by Applicant).

Chien shows a vehicle using an electroluminescent light strip to convey a message to other drivers. Chien shows that the safety sign can be battery 6 operated and positioned on the back of the rear window 2 or along a bumper as shown in Figure 1. Chien indicates that the lighting device may use coloring lighting but does not state any specific color.

Claims 2, 6, 12, 13 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernandez.

Fernandez uses electroluminescent lighting on the exterior of a vehicle as a way of providing a signal/sign to others on the road of the vehicle's existence. As shown, the lighting can extend along the length of the vehicle 72 and includes the mudflaps 82 (see Figure 5). As shown in Figure 4, the pattern may include a text message.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2875

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (cited by Applicant) in view of Macher et al.

Macher et al teaches that it is known in the art to use electroluminescent lighting in a vehicle and for the lighting to have a yellow color (see page 3, paragraph 0041). It would have been obvious to one skilled in the art that Chien which contemplates using colored lighting could include yellow in the vehicle display in the same manner as taught by Macher et al because yellow is a color used to indicate a flashing signal. The manner in which the color is provided is a design choice.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chien (cited by Applicant) in view of Jager et al.

Jager et al teaches that it is known in the art to provide a snowplow attached to a vehicle. It would have been obvious to one skilled in the art that Chien could be modified to include a snow plow in the same manner as taught by Chien because this would be more cost effective than using a independently operated plow.

Claims 7, 14, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez.

Fernandez teaches providing electroluminescent lighting (EL) along the length of car 72. This would appear to encompass at least 72 inches but no dimensions are given. In the absence of any unobvious or unexpected results the size of the EL strip is considered a design choice depending on the amount of desired lighting. Fernandez discloses that

the pattern is formed in the EL material with patch 60 shapes and contours (see Figure 4) as opposed to cutting out the pattern from the EL material. The manner in which it is formed is not given patentable weight. The end result is that a pattern is illuminated with the EL lighting regardless of how it is made. Fernandez also shows various ways to illuminate the exterior of the vehicle, to include the shape of a triangle is considered a design feature depending on the desired reason for the lighting.


Claims 8-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez in view of Caine.

Fernandez shows various areas of a vehicle illuminated by electroluminescent lighting strips for additional vehicle lighting at night including the front and rear of the vehicle. Caine teaches that additional vehicle lighting is also contemplated for large trucks. It would have been obvious to one skilled in the art that the lighting of Fernandez could be applied to a large semi-truck as taught by Caine, because both references recognize the benefits of additional lighting for vehicles traveling at night.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kinstler is cited for showing EL lighting on the exterior of a vehicle and Danekas et al is cited of interest for showing exterior lighting for a large truck.

1. Any questions regarding this Office action should be directed to Examiner Neils at (571) 272-2377.


Y. MY QUACH-LEE
PRIMARY EXAMINER